**COURT NO.2**

**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**WRIT PETITION NO. 4428 OF 2001 (S/S)**

U.P. State Road Transport Corporation

Through its Regional Manager, D.Dun

……. Petitioner

**Versus**

1. Labour Court, Uttar Pradesh, Dehradun
2. Tapan Kumar Dutta S/o Shri N.N. Datta, Assistant Mechanic
3. Mohan Singh Sajwan, S/o Late Shri Jagat Singh, Mehcanic
4. Indresh Kumar Gaur, S/o Late Shri Tularam, Tin Smith
5. Deepak Pun, S/o Durga Singh Pun, Fitter
6. Surendra Singh Rana S/o Sri Munna Singh, Fitter
7. Sagar Mal, S/o Late Shri Janki Prasad, Junior Clerk
8. Meher Singh S/o Sri Bav Singh, Fitter
9. Pradeep Kumar, S/o Sri Gokul Chandra, Fitter
10. Hari Om Rana S/o Late Shri Karan Singh Rana, Carpenter
11. Kasim Ali, S/o Shri Sharif Ahmed, Body Mechanic
12. Yogendra Giri, S/o Sri Narayan Singh, Assistant Mechnic
13. Ramesh Chandra- IIIrd, S/o Sri Ratiram, Turner
14. Suresh Chandra –Ivth, S/o Sri Dal Chandra, Fitter
15. Om Prakash Kashyap, S/o Sri Baljeet Singh, Carpenter
16. Rukum Singh S/o Diwan Singh Fitter
17. Ajeet Singh, S/o Late Sri Mahendra Singh, Mechanic
18. Surat Singh Rawat, S/o Madan Singh Rawat, Junior Clerk
19. Gambir Singh Rawat, S/o Late Sri Kundan Singh, Carpenter
20. Anand Prakash S/o Sri Sureshanand Kukreti, Fitter

Employees of UPSRTC through Shri M.C. Pant, 450, Baliwala Kawali, Dehradun

……. Respondents

***Shri Ashish Joshi, learned counsel for the petitioner,***
***Shri M.C. Pant, learned counsel for Respondent No. 2***

Dated: 06.09.2005

**Hon'ble P.C. Verma, J.**

By means of this writ petition, the petitioner has prayed for writ of Certiorari quashing the impugned order dated 18.07.2001 passed by Respondent No. 1 –Presiding Officer, Labour Court, Dehradun in Misc. Case No. 39 of 2001.

Brief facts of the case according to the petitioner are that a claim application was filled by workmen/ Respondent Nos. 2 to 20 under Section 33-C(2) of Industrial Disputes Act for payment of arrears of difference of salary, leave encashment and arrears of Dearness Allowances arose out of implementation of the recommendations of Vth pay commission. The learned Tribunal after considering the entire evidence on record allowed the applications of the workmen and ordered the petitioner to pay the amount which has been mentioned in the list against their names alongwith the cost of Rs. 100/- as litigation expenses and has also awarded the interest @12% per annum under Section 33-C(2) of the Act. Feeling aggrieved, this writ petition has been filed.

I have heard learned counsel for the parties and perused the entire evidence on record.

Before the learned Labour Court, the petitioner has accepted that recommendation of Vth pay commission is binding on the Corporation and according to the recommendation, the dues are payable to their employees. It was also accepted that the financial condition of the corporation is not good at present and as and when the financial condition will be improved, the dues shall be paid to the employees. Keeping in view the week financial condition of the

Corporation, the Tribunal has rightly ordered to pay the dues to the employee-workmen within one month.

I do not find any force in the writ petition. The Labour Court has recorded the finding of fact, which does not call any interference.

The writ petition is devoid of merit and is dismissed. No order as to costs.

**(P.C. Verma,J.)**

Rajeev Dang